

REMARKS

Summary of the Office Action.

Claims 63 has been rejected under 35 U.S.C. 103(a) as being obvious from McCall et al. U. S patent No. 6,321,984 ("McCall") in view of Sherman et al. U.S. Patent No. 6,189,788 ("Sherman").

Applicants' Reply

Applicants respectfully traverse the rejection of claim 63.

Claim 63

As previously noted, claim 63 relates to method for making functions available to mobile radio terminal users. The method involves the steps of "receiving" user-specific identification data at the radio terminals and "radio communicating" the user-specific identification data from the terminal to a host processor. In response, the host processor determines authorized functions that can be made available to the particular user. A list of authorized functions is communicated via radio to the terminal where the user can select to activate certain functions from the authorized list of functions. The host processor activates the selected functions at the terminal.

The elements of claim 63 as amended include in particular:

- (a) issuing a mobile terminal to a user
- (b) receiving identification data specific to said user on said mobile terminal and communicating said identification data to said host processor via wireless radio
- (c) operating said host processor to hierarchically determine authorized functions to be made available to said user, using said identification data received via wireless radio;

(d) accordingly, communicating a message using radio data communication to said terminal identifying available authorized functions for said user; and

(e) operating said host processor to provide said mobile-terminal user selected ones of said authorized functions to said terminal (the customer/user in McCall does not get to select terminal function, e.g., from a list of authorized functions).

Applicants submit that the combination of McCall and Sherman does not show several of the elements of claim 63.

The Examiner correctly notes that McCall does not relate to wireless radio communications or mobile terminals. McCall describes a conventional scheme for issuing reward, credit or discount coupons to a customer based on the customer's prior purchases or loyalty. (See e.g., Abstract). McCall's reward, credit or discount coupons can be used at fuel dispensing stations (e.g., car gas stations). (See e.g., Abstract). The gas stations have POS terminals (30) with conventional features (e.g., having credit card readers, bar code readers, links to a host computer and database, etc). (See e.g., FIG. 1). The POS terminal is set up in conventional fashion (e.g., as commonly seen in any grocery or retail store, or pharmacy outlet) to scan or read discount or sale coupons, cards, keyed-in numbers, etc, and further, to check the validity of the submitted coupon, card or number. McCall's only apparent novelty is in a business method of applying the conventional retailing instruments and customer loyalty schemes to the retail gasoline industry. (See e.g., Abstract, and as cited in the Office Action — FIG. 7, col. 4, lines 13-23).

McCall describes a conventional scheme for server verification of the credit or discount coupon or card, or member number issued to the customer (and submitted by the customer, e.g., at conventional I/O 212, FIG. 8) and server authorization to discount the fuel price charged to the customer at fuel pump 112. (See e.g., FIG. 8, col. 8 line 8 -col. 9 line 23). McCall's price discounting method is described in FIG. 10 and col. 10 line 38- col. 11 line 34.

Careful reading of McCall shows that the disclosure therein does not teach or suggest any of the listed elements of claim 63:

(a) issuing a mobile terminal to a user (The only thing issued to the customer or user in McCall is a discount card, coupon or barcode, or membership identification number, see e.g., col. 8 lines 34 - 43);

(b) receiving identification data specific to said user on said mobile terminal and communicating said identification data to said host processor via wireless radio (McCall does not show wireless radio);

(c) operating said host processor to hierarchically determine authorized functions of said mobile terminal to be made available to said user, using said identification data received via wireless radio. (McCall does show any change in “the mobile terminal’s functions” or any change in “functions made available to the user”. The only change in McCall is the price charged on a sale, the sale function of the terminal remains the same);

(d) accordingly, communicating a message using radio data communication to said terminal identifying available authorized functions for said user of said mobile terminal (In McCall, the terminal functions are the same throughout with no changes, see (c) above. Further, there is no communication in McCall “identifying available functions” for the user’s choice or selection); and

(e) operating said host processor to provide said mobile-terminal user selected ones of said authorized functions to said terminal. (In McCall, there is no selection of terminal functions by the user, e.g., from a list of authorized functions).

Further, Sherman (which has been discussed in previous Office Actions and Replies) does not show at least elements (c), (d) and (e) listed above.

Thus, at least elements (c), (d) and (e) of clam 63 are not shown, taught or suggested by the cited references — call and Sherman, even if they are viewed in combination.

Therefore, applicants respectfully submit that the finding of obviousness (Office Action, section 4 pages 2-3) is improper. Applicants respectfully request that the rejection of claim 63 be withdrawn.

Conclusion

The foregoing demonstrates that claim 63 is in condition for allowance. Reconsideration and allowance of this application are respectfully requested. If there are any remaining issues to be resolved, applicants request that the Examiner kindly contact the undersigned attorney for a telephone interview in order to advance the prosecution of this case.

Respectfully submitted,

By:


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